

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 8, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Councilman White moved that the minutes of the previous meeting be approved. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. JACK ROBBINS, 1303 Lavaca, made a complaint against the Police Department with regard to an accident and investigation by police and his arrest on April 30th. He stated accusations were made against his wife and Mr. Quigsley; he was charged with wreckless driving and later for racing although his car was not involved in the wreck; and he was handcuffed and brought to jail. Councilman MacCorkle moved that that the matter be referred to the City Manager for investigation and report back to the Council. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. H. E. TOWERY, 3-R Service Station, 311 South Lamar, reported that golf balls from the Pitch & Putt Course were being knocked over into his station, and in Mr. Roberts Shop next to his station. He cited instances where people were hit, and where cars were damaged. The Mayor stated he had requested the City Attorney to see if it were the city's liability as lessor. Councilman Long moved that the City Manager have a study made of the golf course in South Austin and report back to the Council next week; and in case the City Attorney thinks the City is liable, there might be some action to take. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. DAVID WRIGHT, West 37th Street, submitted a petition signed by 37 people living on this street asking that the Council rescind the ordinance providing for no-parking between Guadalupe and Home Lane on 37th Street, which it passed last week. He said this was a 25 foot street, and was wide enough with cars parked on both sides for a fire truck to go through. He stated the Church in the 300 block recognized the parking problem and had tried to solve it the best it could. He was convinced that all he had talked with were in favor of widening the street. The Mayor stated the matter would be checked into further. The City Manager suggested that Mr. Wright go ahead and get the people lined up to widen the Street. Councilman Long inquired about other narrow streets and why this particular one was picked out. The City Manager stated it had been requested and a study had been made. The Mayor stated this would be looked into and an answer be given next Thursday.

MR. E. T. WILLIS, 211 Elliott, who is in the newly annexed territory, asked relief on the water situation. He was referred to the City Manager, who will check into this particular problem.

LILLIE MAY HOWARD BENNETT, 2004-06-08 East 12th, complained of her property being damaged since the City had put in some storm sewers above her property, causing the water to come down the creek running through her property, and washing away the soil. This matter was referred to the Director of Public Works.

Councilman MacCorkle moved that a survey be made of the Lake Austin in order to establish water lines and such other information that the City will need in regulating the use of the lake. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption.

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City of Austin hereby approves the construction and maintenance of a private and commercial boat dock on the property owned by Marion Fowler and described in the Travis County Deed Records (as Lots 20 and 21, Lake Shore Addition) on the shore of Tom Miller Lake (Lake Austin), and hereby authorizes the said Marion Fowler to construct, maintain and operate this private and commercial boat dock subject to the same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the construction of this private and commercial boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Marion Fowler has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"April 24, 1952
Austin, Texas

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Marion Fowler, owner of a piece of property abutting Lake Austin and listed in the Travis County Deed Records (Lots 20 and 21, Lake Shore Addition) for permission to enlarge and maintain a private and commercial boat dock extending along the western shore of Lake Austin (Tom Miller Lake) approximately 60 feet in a southerly direction in continuation of the existing boat docks.

"In accordance with the amendment to the Ordinance governing construction on Lake Austin south of Windsor Road, passed September 15, 1949, this project has been considered and approved by the Navigation Board and construction details meeting the requirements, I therefore recommend that Marion Fowler be granted permission to construct and maintain such private and commercial boat dock subject to the following conditions:

"(1). That nothing but crosoted or cedar piles and heavy iron bolts or concrete be used in the construction of this pier, dock, or wharf.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a state of good repair and that premises be kept reasonably clean at all times.

"Respectfully submitted,
(Sgd) J.C.Eckert, Building Inspector"

The motion, seconded by Councilman MacCorkle, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White stated if MR. B. N. GAFFORD came in with a request for dock and fill out to the depth as Mr. Fowler's, the Council would be obligated to grant that request.

The Mayor stated it should be determined to what extent Mr. Fowler had violated the City's rights and what action the Council wanted to take in the matter. Councilman Long moved that the situation be investigated to see how much fill has been put in and how much the City's rights have been violated, and that it be reported back to the Council as soon as possible. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Capitol Area Council, Boy Scouts of America, has made application for permission to use and maintain a building as the headquarters of the Capitol Area Council on Lot 4, Block 77, in the Original City of Austin, Travis County, Texas, the same being on the west side of Rio Grande Street and is locally known as 700 Rio Grande Street, which is located in a "B" Residential District which, under Section #5, Item #4, as revised May 17, 1951 of the Zoning Ordinance, requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use and maintenance of this building as headquarters of the Capitol Area Council at the location described above be granted to the Boy Scouts of America.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

No action was taken on the application for boat dock for TED C. WALSH. MRS. L. G. BLACKSTOCK, 1607 Scenic Drive, appeared in opposition to the granting of this permit, as this location was not zoned commercial, even though commercial development had been started. Mr. Walsh spoke in his own behalf. The matter was deferred until next week.

Councilman MacCorkle inquired about the application for federal aid for the airport, and stated it should be in by June 30th. The City Manager stated the aid would come from funds released from some other City not using them, and that the run-ways could be planned, but the whole program would take longer to get under way. He stated the Architect had been selected; and that when the completed plans were ready, action could be taken much quicker and better than if there were just an application to present without the plans.

The City Manager recommended JESSEN, JESSEN, MILLHOUSE & GREEVEN, as Architects for the Police and Courts Building. Councilman White moved that the City Manager be instructed to proceed with JESSEN, JESSEN, MILLHOUSE & GREEVEN as Architects. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The following letter from JUDGE TOM E. JOHNSON, dated May 8, 1952 was read:

"You have a duplicate copy of the letter from Honorable D. C. Greer, State Highway Engineer, dated May 6, 1952, addressed to both of us, with reference to the Congress Avenue Bridge improvement project. From this letter you will note that in Mr. Greer's opinion a possible solution of the legal obstacle to Travis County's participation in this project might be that the State Highway Department transfer title to the Bridge to the City or to the County.

"It is believed that an expression from the City Council is needed as to whether the City will be agreeable to accepting title to this Bridge from the State; and if so, a minute to that effect be made."

Councilman White moved that the City Attorney, with the County Attorney, work with the State Attorney of the Highway Department in working up the legal aspects of this matter; (widening of the Congress Avenue Bridge) and that our gratitude be expressed to the State in its decision to pay one-third of the cost of the widening of the Bridge on Congress Avenue. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, for the purpose of establishing a public market, where the people of the City of Austin could benefit by the purchase of produce direct from the grower of Central Texas, the City of Austin in 1928 acquired Block 90 of the Original City of Austin and subsequently erected, established and operated a public market thereon; and

WHEREAS, in recent years the operation of the public market has not successfully accomplished this purpose; and

WHEREAS, a Committee of Citizens, appointed by the City Council, has concluded that the said public market has ceased to perform the function for which it was created, and has recommended to the City Council that the said public market be closed; and

WHEREAS, pursuant to the recommendation of the Committee of Citizens, the City Council has found that the said public market should be closed; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council, upon consideration of the investigation of the said Committee of Citizens and the evidence presented to the City Council, does hereby find as a fact that the said public market has ceased to serve the purpose for which it was established, and that said public market site is no longer suitable to be used for such purpose, and does hereby abandon the use of such site as a public market.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following described tract of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be and the same is hereby set aside and dedicated for use as a public street and throughfare in the City of Austin, said tract being described as follows:

2.38 acres of land, more or less, same being out of and a part of those two (2) certain tracts of land out of the George W. Spear League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by the two (2) warranty deeds as follows:

(1) dated July 22, 1912, of record in Volume 253, page 437, Deed Records of Travis County, Texas; and

(2) dated September 9, 1912, of record in Volume 253, page 439, Deed Records of Travis County, Texas, which 2.38 acres of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake on the present south line of Koenig Lane at the northwest corner as fenced, of that portion of said City of Austin tract described in said deed recorded in Volume 253, at page 437, Deed Records of Travis County, Texas, said iron stake also being at the northeast corner of a tract of land conveyed to the Board of Trustees of the Austin Public Free Schools by warranty deed dated April 27, 1951, of record in Volume 1165 at page 322, Deed Records of Travis County, Texas;

THENCE with the north line of the City of Austin tract and the present south line of Koenig Lane, S. $59^{\circ} 57' E$. 74.38 feet to a point;

THENCE S. $30^{\circ} 03' W$. 10.00 feet to a steel pin at the point of curvature of a curve having an intersection angle of $142^{\circ} 48'$, a tangent distance of 148.57 feet and a radius of 50.00 feet;

THENCE following said curving line to the left an arc distance of 124.62 feet, the long chord of which arc bears S. $48^{\circ} 39' W$. 94.78 feet to a steel pin on the point of reverse curvature between the aforementioned curve and a curve to the right having an intersection angle of $22^{\circ} 47'$, a tangent distance of 168.11 feet and a radius of 834.35 feet;

THENCE following said curving line to the right an arc distance of 331.77 feet, the long chord of which arc bears S. $11^{\circ} 21' E$. 329.68 feet to a steel pin on the point of tangency of said curve;

THENCE S. $0^{\circ} 02' W$. 26.14 feet to a steel pin on the point of curvature of a curve having an intersection angle of $49^{\circ} 59'$, a tangent distance of 316.76 feet, and a radius of 679.53 feet;

THENCE following said curving line to the left an arc distance of 592.81 feet, the long chord of which arc bears S. $24^{\circ} 57' E$. 574.18 feet to a steel pin on the point of compound curvature between the aforementioned curve and a curve to the left having an intersection angle of $100^{\circ} 19'$, a tangent distance of 23.96 feet, and a radius of 20.00 feet;

THENCE following said curving line to the left an arc distance of 35.02 feet, the long chord of which arc bears N. $79^{\circ} 54' E$. 30.71 feet to a steel pin on the point of tangency of said curve on the west line of Lamar Boulevard, and from which steel pin the southeast corner of said City of Austin tract as described in Volume 253, page 439, Deed Records of Travis County, Texas, bears S. $29^{\circ} 44' W$. 129.53 feet;

THENCE with the west line of Lamar Boulevard S. $29^{\circ} 14' W$. 121.97 feet to a steel pin on the point of curvature of a curve having an intersection angle of $79^{\circ} 41'$, a tangent distance of 16.69 feet and a radius of 20.00 feet;

THENCE following said curving line to the left an arc distance of 27.81 feet, the long chord of which arc bears N. $10^{\circ} 06' W$. 25.63 feet to a steel pin on the point of tangency of said curve;

THENCE N. $49^{\circ} 57' W$. 21.86 feet to a steel pin on the point of curvature of a curve having an intersection angle of $49^{\circ} 59'$, a tangent distance of 354.04 feet, and a radius of 759.53 feet;

THENCE following said curving line to the right an arc distance of 662.60 feet, the long chord of which arc bears N. 24°57'W. 641.78 feet to a steel pin on the point of tangency of said curve;

THENCE N. 0° 02'E. 26.14 feet to a steel pin on the point of curvature of a curve having an intersection angle of 7°41', a tangent distance of 50.65 feet, and a radius of 754.35 feet;

THENCE following said curving line to the left an arc distance of 101.16 feet, the long chord of which arc bears N. 3°48'W. 101.05 feet to the point of compound curvature between the aforementioned curve and a curve to the left having an intersection angle of 14°03', a tangent distance of 167.04 feet, and a radius of 60.00 feet;

THENCE following said curving line to the left an arc distance of 147.15 feet, the long chord of which arc bears N. 77°54'W. 112.94 feet, to a steel pin on the point of tangency of said curve;

THENCE S. 31°50'W. 469.36 feet to an iron stake on the south line of said City of Austin tract described in Volume 253, page 439, Deed Records of Travis County, Texas;

THENCE with the south line of said City of Austin tract, N. 59° 51'W. 13.15 feet to the southwest corner, as fenced, of said tract, on the east line of the aforementioned tract of land conveyed to the Board of Trustees of the Austin Public Free Schools by warranty deed dated April 27, 1951, of record in Volume 1165 at page 322, Deed Records of Travis County, Texas;

THENCE with the west line as fenced of said City of Austin tract, same being the east line of said School tract, N. 29°57'E. 806.54 feet to the point of beginning.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be, and she is hereby authorized and directed to file this Resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for street purposes of the tract of land hereinabove described.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on Lots 29 and 30, Block 4,

Hyde Park No. 2, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by P. G. Cummings and wife, Annie E. Cummings, the apparent owners.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Mayor Drake introduced the following ordinance:

AN ORDINANCE INCREASING THE MEMBERSHIP OF THE PARKS AND RECREATION BOARD AS CREATED BY THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MARCH 15, 1951, AND RECORDED IN BOOK "Q", PAGES 201-202, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake asked the Council to make an inspection of the property he suggested to be obtained adjacent to the Airport property (100 acres, more or less, a portion of the A.W.Canefield Survey and a portion of the James Burlison Survey) which property he felt would make an excellent golf course, and be ready to decide by next week.

The Council received notice that the following applications for change of zoning had been referred to the Zoning Commission:

HARVEY MASSEY	6505-07 Riverside Drive	From "A" REsidence To "C" Commercial
M. S. BROUGHER By John C. Butler	5510 Burnet Road	From "C" Commercial To "C-1" Commercial
MRS. S. J. RYAN	1910 Eva Street	From "A" Residence To "B" Residence
H. H. ADKINS By F. E. Brisbon	710 St. Johns St.	From "A" Residence To "C" Commercial

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: _____

W S Drake
Mayor

ATTEST:

Eric Hassley
City Clerk